

# our Alumni COMMUNITY



## The Sydney Law school reports



Professor Ron McCallum

### Report from the Dean

At the time of writing, the second semester of 2004 is underway and students and staff are busy with teaching and learning. The design work on the new Law building is forging ahead, and plans are well underway for our fundraising campaign. I hope our alumni and the entire legal profession will wish to assist this Faculty in establishing a new Law School on the main campus which I am sure will become an Australian focal point for best practice teaching of Law students in the 21st century. In this issue of The Sydney Law School Reports further details on the building project and the fundraising campaign are set out.

#### Appointment of two new professors

As I foreshadowed in the last edition of The Sydney Law School Reports, the University of Sydney has appointed two new professors to the Faculty of Law. Professor Donald Rothwell is the new Challis Professor of International Law. He was educated in Queensland, Canada and the University of Sydney and has been teaching and researching law in this Faculty for the past 16 years. His predecessor in the Chair, Professor Ivan Shearer retired after approximately a dozen years as the Challis Professor of International Law at this University. The Senate of the University of Sydney has awarded Professor Shearer the title of Professor Emeritus in honour of his splendid service to this Faculty and to the University of Sydney.

The Faculty of Law has also appointed Professor David Kinley as the inaugural Professor of Human Rights Law. Professor Kinley has been a professor at Monash University for a number of years where he has undertaken human rights work in the Monash University Casten Centre. Currently, David is a Visiting Scholar in Washington and he will take up this professorship in April 2005.

#### Passing of Professor Alice Tay

In April this year, our valued colleague Professor Alice Tay passed away after a long illness. Professor Tay was one of Australia's and this University's foremost legal scholars. On 29 June this Faculty held a memorial event to celebrate the

#### FACULTY EVENTS

##### MEMORIAL GATHERING FOR PROFESSOR ALICE ERH-SOON TAY

Sydney Law School in conjunction with The Human Rights and Equal Opportunity Commission held a memorial gathering on Tuesday June 29, 2004 at Sydney Law School to remember and celebrate the distinguished career of the anti-discrimination activist and champion of human rights, Professor Alice Erh-Soon Tay [1934-2004].

Professor Tay, who passed away in May aged 70 after a long illness, was Challis Professor of Jurisprudence with Sydney Law School from 1975 until 2002 and was President of the Human Rights and Equal Opportunity Commission (HREOC) from 1998 to 2003.

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The University of Sydney

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# REPORT *from* the Dean

*Continued from page 1*

life of our former colleague and further details are to be found in this issue of the Sydney Law School Reports.

## Doctor of Laws (honoris causa)

At the major graduation ceremonies in May this year, honorary Doctor of Laws degrees were awarded to Chief Justice James Spigelman, Chief Justice of New South Wales, and also to Professor Lyndel Prott, formerly UNESCO's Heritage Director. Chief Justice Spigelman is an alumnus of this Law School and was awarded the Medal as the top student in his year. Chief Justice Spigelman is one of Australia's foremost jurists. Professor Lyndel Prott, who was for many years a professor of law in this Faculty, took up the position of Heritage Director for the United Nations Educational Scientific and Cultural Organisation and was a splendid ambassador for this country and this University. It was fitting and appropriate that at our major graduation ceremonies this Faculty and the University of Sydney was able to honour these two fine persons through the awarding of honorary Doctor of Laws degrees.

Ron McCallum



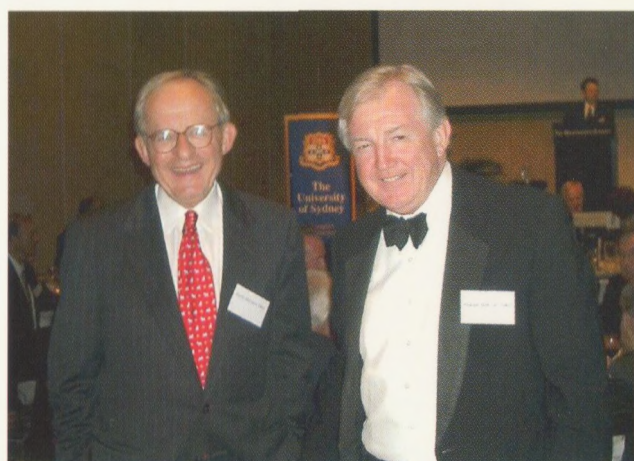
Professor Lyndel Prott

# Reunions 40 year Graduation *Dinner*

The Forty Year Graduation Dinner was held in March this year at the Wentworth Hotel, Sydney, organised by the committee of The Hon. Justice Kim Santow, Mr. Kevin McCann and Mr. David Bennett QC. There was a strong turn-out by the class of '64 and some of '65 with ninety alumni guests attending, including those who had travelled from overseas especially for the event as well as from interstate and country NSW. The guest speaker for the evening was the Honourable RP Meagher QC.



L to R: The Chancellor, The Hon. Justice Kim Santow ('64), Ms. Olive Wood ('64), Ms. Mary Mortlock ('64), Mr. Jim Momsen ('64)



L to R: Mr. Kevin McCann ('64) and Mr. Robert Stitt QC ('65)



L to R: Charles Houen ('64) from Wagga, Ms. Judith Hastings (nee Hanson) ('64) Mr. David Bennett ('64)

## Reunion - Class of '67

Dominic Williams, James Poulos and The Hon. Bob Debus MP are organising a reunion dinner for the class of 1967 early in 2005. Invitations will be mailed out in the coming months. Send your updated contact details and direct enquiries to Dominic Williams at Selborne Chambers, phone 9233 1232 or email [dwilliams@selbornechambers.com.au](mailto:dwilliams@selbornechambers.com.au). All associated with this year will be welcome.

## Reunion - Class of '69

There is still time to register for the Reunion Dinner on 22 October 2004.

Contact Louise Pierce at [louisep@law.usyd.edu.au](mailto:louisep@law.usyd.edu.au) phone 9351 0327 or Annette Collibee on 9220 9870.



# Faculty events



Professor Alice Erh-Soon Tay

## MEMORIAL GATHERING FOR PROFESSOR ALICE ERH-SOON TAY



*Continued from page 1*

Some one hundred guests attended the memorial gathering including The Hon. Justice M. Gleeson, Chief Justice of Australia and The Hon. Philip Ruddock MP as well as those who had travelled from interstate especially for the occasion and students who had studied with Professor Tay during her twenty six years at Sydney Law School. All had turned out to pay tribute to this remarkable scholar and individual.

The Dean introduced the three speakers who shared their recollections of Professor Tay: The Chancellor, The Hon. Justice Kim Santow; Dr. Chris Birch; and Associate Professor Alex Ziegert. (These speeches can be found in full at [www.law.usyd.edu.au](http://www.law.usyd.edu.au) - 'Current News and Events' section.)

In attempting to summarise the work and life of Professor Alice ES Tay, Alex Ziegert quoted Professor K D Kerameus, President of the *Academie Internationale de Droit Comparé*:

"In sadness and mourning, I have been informed about Prof. Tay's premature passing away. She has been one of the important comparative law scholars around the world during the last decades. She also organised the first Australian Congress of our Academy with great success and elegance. We are going to miss her as a person and a scholar very much."

Associate Professor Ziegert went on to say that there is nothing left to add with regard to the profound impact and reputation that Professor Tay had in the world. One could then find factors like her insatiable quest for knowledge stemming from a youth in hardship and deprived of formal education during most of that time, which made her see academic work as a great privilege and an absolute end in itself. But all of that does not

really explain her achievements; moreover one cannot really copy her way of doing things. Alice Tay put to all that her very unique touch, her never ending energy, her tough fighting spirit and the unstoppable enthusiasm to bring knowledge to the students and make them share her appreciation of the privilege of academic, intellectual work.

The Hon. Justice Kim Santow, Chancellor of The University of Sydney, recalled that his abiding memory of Alice is not of some grand academic levée but hospitable and lively discussion as Alice's guest. These symposia were truly "*a convivial gathering of the educated*" sparking exchange of thoughts, reflections and ideas in a relaxed setting.

He referred to the intellectual partnership she shared with her late husband Eugene Kamenka, to which she brought immense erudition and close familiarity with both Eastern and Western sources. She even mastered Norman French in order to research an early interest in the juridical concept of "possession". For her the law was the elucidation of such fundamental juridical concepts in their historic and social settings.

The Chancellor ended by quoting what Sydney University's Oral Historian Julia Horne recorded in her wonderful piece on "Alice: The Making of an Intellectual", to appear in the festschrift in her honour. Julia Horne observed that Alice Tay

"saw an important place for institutions that safeguard intellectuals, and allow them to flourish in a way that produce the ideas of the future". Her "war-cry was to combat academic mediocrity, the unwillingness to see beyond one's own narrow area of interest, the inability to open the minds of students. For some still in the academy, she recognised that her

war-cry could be decidedly uncomfortable, unnecessarily aggressive, even personally humiliating. But behind all the tough and at times hurtful talk, Alice Tay wants universities to continue to be the harbingers of intellectual endeavour, a place where, without fear or favour, academics are true intellectuals burning with desire to pursue new lines of enquiry, who engage with the great intellectual ideas of past and present and create new ones for the future. And not the least, inspire in students the desire to follow those traditions."<sup>1</sup>

Dr Chris Birch commented that when Professor Tay assumed the chair in jurisprudence, which had been vacated upon the retirement of Julius Stone, she took over leadership of the small department of jurisprudence. Alice Tay made a substantial scholarly contribution to legal philosophy, she produced, amongst many significant publications, an important series of collections on law and jurisprudence, edited jointly with her late husband Eugene Kamenka in the late 70's and early 80's.

He added that a great professor in the traditional sense should be not only a scholar, but also an intellectual leader. He or she should provide guidance to those working around them and help set the themes for research and teaching. Professor Tay amply fulfilled this role and ensured the Department of Jurisprudence remained a key centre for legal philosophy in Australia throughout her time as Challis Professor.

Chris Birch concluded by adding that although we have sadly lost a great colleague, her work and her projects will continue to be of value long into the future.

<sup>1</sup> Julia Horne, *Alice, the Making of an Intellectual* in G Docker-Mach and K A Ziegert (eds) "Law & Legal Culture" (dedicated to Alice Erh-Soon Tay) Stuttgart at pp491-508





Professor Ron McCallum

Staff, students and alumni have applauded the winning design for the new Sydney Law School building that announces the move by Australia's oldest law school into new facilities. It is a move that will ensure Sydney Law School is fully equipped not only to meet the changing needs of legal learning in the coming decades, but also to help maintain and strengthen its national and international edge.

The Dean of the Sydney Law School, Professor Ron McCallum says, "With

1873



1914

## SYDNEY LAW SCHOOL'S NEW BUILDING

Throughout its long history, the Law School has been located in the heart of the legal precinct. As well as recognising the many benefits in moving to the University site, Professor McCallum acknowledges the importance of retaining the Law School's current geographic links to the legal profession, "The School benefits greatly from its close ties with the legal community and we will certainly retain this connection in the heart of the CBD legal precinct."

Construction for the new \$81 million building will commence in 2005, with completion in 2007. The Law School will conduct a fundraising program with a target of \$10 million to ensure that the building will be equipped with the very best state-of-the-art teaching and research facilities.

Says Professor McCallum, "We will be contacting our alumni, as members of the legal community, to seek their contribution towards ensuring we have the best facilities to turn out the best possible future generations of lawyers. By producing the best law graduates, we will also be helping our alumni and their law firms to be the best they can possibly be. It's a win-win fundraising program."

This new Law School will offer the environment and facilities to serve the needs of Australia's best and brightest undergraduates and postgraduates and will continue to provide the best legal education, best research and best fostering of legal discourse.

Features of the building will include:

- A Moot Court with arbitration and dispute resolution teaching capacity, incorporating technologies to as closely as possible relate to real time, real life practises
- Teaching, seminar and conference facilities to accommodate groups of up to 300, 120, 80 and 60 all with state of the art teaching and presentation tools
- A Law Library which will include areas for open access computer terminals and computer based teaching laboratories and enhanced research capabilities



Sydney Law School over the Years

- Top L: Early lectures were held in the Supreme Court which also housed, as evidenced in this 1873 view of the Elizabeth St. facade, various government offices.
- Top M: The former Wigram Chambers in Phillip St, occupied by the Law School in 1914 but now demolished.
- Top R: Early 1960's. Hotel Phillip was on the site of the present Law School which opened in 1969.
- L: Law School, corner of King and Phillip Sts.

2007



law being an increasingly interdisciplinary study, students need to interact with other faculties—with studies in economics, health, business, international commerce and relations, labour, taxation, human resources, public policy, environmental studies, science, and so on. The new building will have the benefit of being located within the grounds of the main University campus, in a central location close to the Fisher Library."



1960

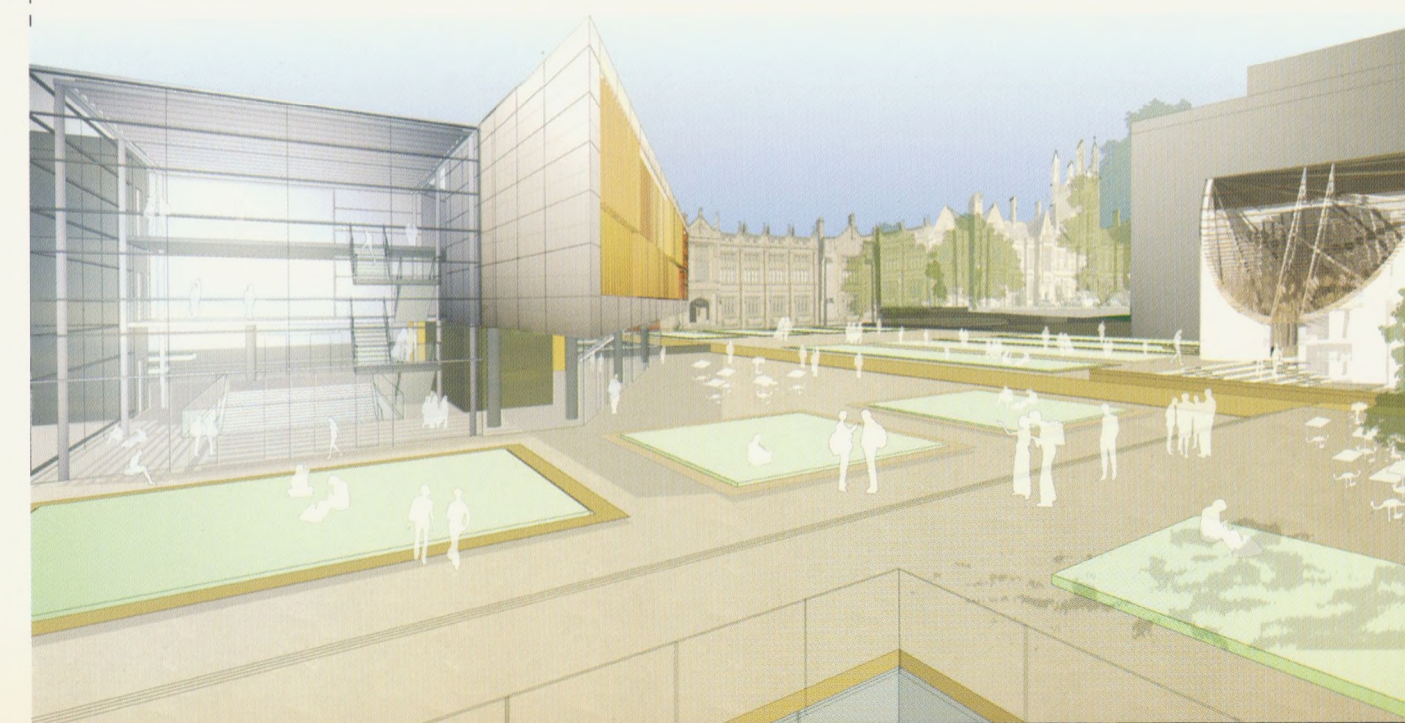
## CONTINUING THE TRADITION OF EXCELLENCE

An international competition awarded the architectural design to the Sydney-based firm of Francis-Jones Morehen Thorp. Their bold and innovative vision—in timber, metal and glass—is looking to be awarded an Australian Green Building Council rating of four to five stars for its thermal treatments, façade of Australian timber shutters between layers of glass, mixed mode air conditioning, recycling of waste, use of natural light and its commitment to an on-going green audit during the building's life cycle.

In an address to this year's Graduation Ceremony in the Great Hall, the Chief Justice of New South Wales, The Honourable J J Spigelman AC commented on the winning design for the new building,

"I have always regretted that the Law School was not part of the campus. I applaud the decision that has finally been made to move it here. It will enrich the lives of future law students, as it will enrich the intellectual life of the university as a whole...May I also applaud the choice of design. The Law Faculty last year had an inaugural alumni dinner at which models of the various tenders were displayed. The one chosen was clearly outstanding. Inevitably there must be sacrifices. The Library will now be in the basement, instead of the students, but it is a magnificent building."

For more information on the building project visit <http://www.usyd.edu.au/fmo/campus2010>



The 'law forecourt' with new lecture theatres to the left and the light tower over the library reading room to the right.



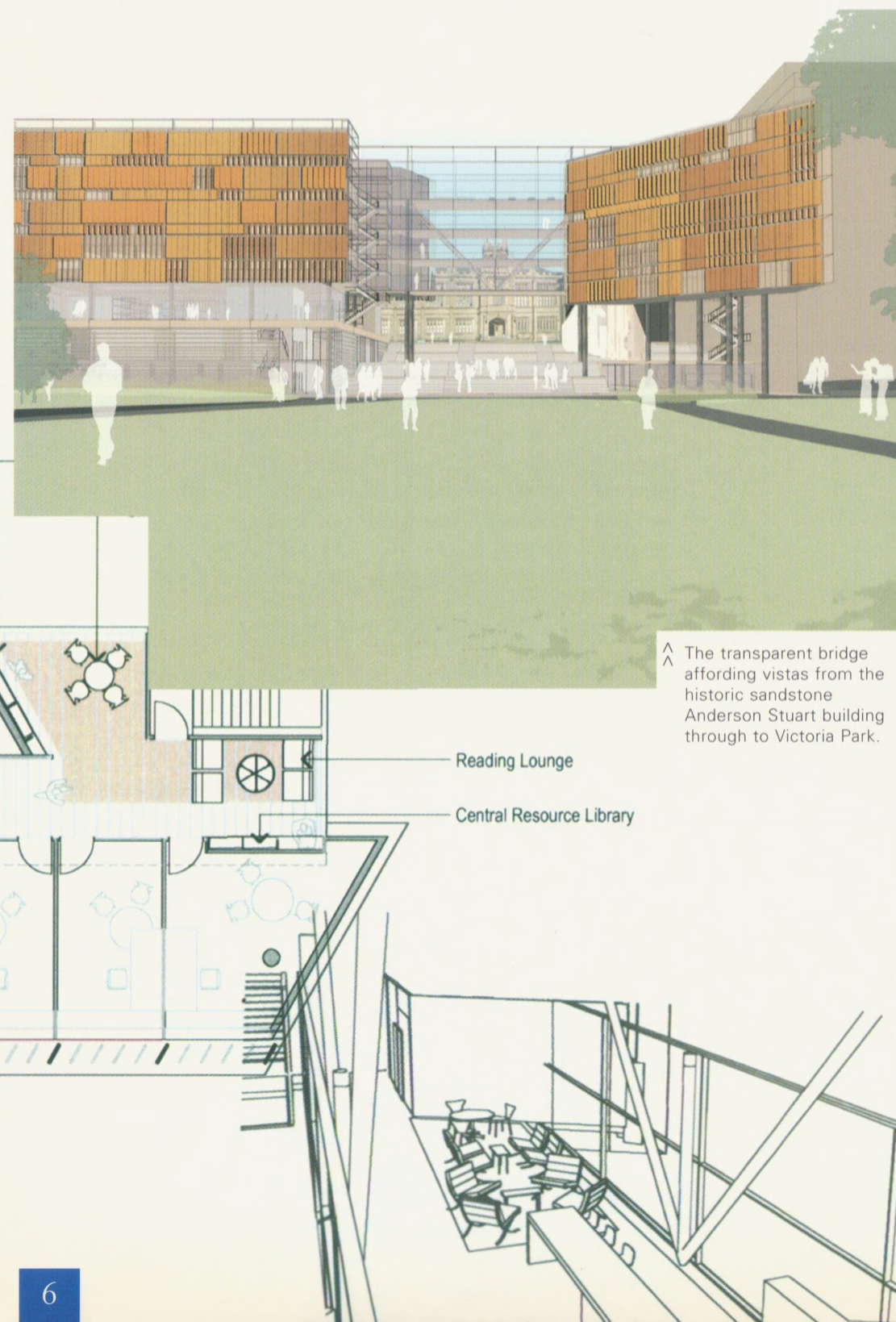
Following completion of the international competition which appointed Francis-Jones Morehen Thorp (*fjmt*) as the project architects, significant progress has been made in the development of the schematic design. In addition all engineering, environmental, and cost consultants have been appointed and have provided indicative proposals for the comprehensive array of services required within the building. This first stage of the design process concludes with the lodgement of the Development Application in September, 2004.

Project governance continues to be reviewed and endorsed at appropriate milestones by the Project User Group chaired by Professor June Sinclair, Pro Vice Chancellor (CHASS), Professor Ron McCallum, Dean – Faculty of Law, and representatives of relevant prospective user groups.

In addition, the Design Review Panel, constituted by Professor Chris Johnson, NSW Government Architect, Professor Tom Heneghan, Faculty of Architecture, University of Sydney and, Professor James Weirick, Professor of Landscape Architecture, UNSW, continue in their role of providing expert independent advice to the University and the design consultants.

Following lodgement of the Development Application the “design development” phase will commence with resolution of the many detailed aspects of the project being undertaken.

It is anticipated that the tender for the building works will be issued on 07 July, 2005, and practical completion of the building works will be achieved by September, 2007.



^ The transparent bridge affording vistas from the historic sandstone Anderson Stuart building through to Victoria Park.

Reading Lounge

Central Resource Library

# ALUMNI NOTES

**Simon Hyett** (BA 1994, MA 1995, LLB 1998) and **Helen Wheeler** (B.Ec (Accounting) 1995, LLB 1998) married in Sydney in September 2003. They are currently living and working in Singapore.

**Sir David Griffin** (LLB 1939), soldier, lawyer and poet died, aged 87, on March 24, 2004. Whilst at Sydney he was a university blue at golf.

Sir David spent three years and seven months as a Changi POW and wrote poetry “as a means of escape, to stop going mad”.

On his return to Australia after the war, Sir David resumed work as a solicitor, was called to the bar and later became partner with a firm of solicitors.

In 1962 he was elected to Sydney City Council as a member of the Civic Reform Association. He was elected Lord Mayor in 1972-1973.

He was appointed CBE for services to industry in 1972 and in 1974 was knighted for public service.

At 87 he had his first book of poetry printed and in 1996 he was Senior Australian of the Year in recognition of his continuing involvement in the business world.

**Kartika Panwar** (BA 1993, LLB 1997) has worked in a variety of legal practices since graduation, mainly in the area of family law. Kartika is now working in the Heritage, Environment and test case funding section at the Aboriginal and Torres Strait Islander Services in Canberra.



Andrew Lang



Andrew Leigh

**Andrew Lang** (BA 1999, LLB 2001) is a graduate of the Law School, leaving in 2000 with the University Medal in both Law and English. He has accumulated an astonishing array of awards and prizes in his short career. After leaving Sydney, he was awarded a Gates Cambridge Scholarship, 2001-2004; and an Overseas Research Student Award 2001-2004 allowing him to undertake a PhD in law at Cambridge University. In 2002 he was awarded the Times Law Award. His most recent achievement is to have been awarded a Research Fellowship at Trinity Hall, University of Cambridge, starting October 2004, until October 2007. From January to March 2003, he worked for the World Commission on the Social Dimension of Globalization, which was released on February 24, 2004. Andrew's PhD and current research interests concern the intersections between human rights and economic interests, with a particular focus on water rights. He has two articles due for publication later this year: 'GATS and Regulatory Autonomy: A Case Study of Social Regulation of the Water Sector', forthcoming submitted publication (currently under peer review by the Journal of International Economic Law); and 'An Analytical Overview of the Trade and Human Rights Debate', forthcoming submitted publication (currently under peer review by the European Journal of International Law).

**Danielle Malek** (BA 2002, LLB 2004) has been awarded the Frank Knox Scholarship to study at Harvard. Danielle won the General Sir John Monash Scholarship last year.

**Andrew Leigh** (BA 1995, LLB 1997) married Gweneth Newman in West Chester, Pennsylvania in January 2004, and graduated from Harvard University with a PhD in Public Policy in June 2004. Gweneth and Andrew live in Canberra, where Andrew is a Fellow in the Economics Division of the Research School of Social Sciences at the Australian National University. Andrew is also the co-author of “Imagining Australia: Ideas for Our Future”, published by Allen and Unwin. He can be emailed at [andrewleigh@ksg02.harvard.edu](mailto:andrewleigh@ksg02.harvard.edu), and would be delighted to hear from former classmates.

**Edward Santow** (BA 2001, LLB 2003) has been awarded the Chevening Scholarship that will enable him to undertake postgraduate work at Cambridge University.

**Craig Cooper** (B.Ec 1988, LLB 1990) has joined US based venture capital group Softbank Capital as a Partner. He has held several senior positions, including: private equities advisor for the Bank of Singapore; Senior Associate at Blake Dawson Waldron; and Chief Executive Officer of E-world Technologies Limited.

**Alan Davis** (LLB 1963) is the new Chief Executive Officer of Rivkin Financial Services Limited.

### Queen's Birthday Honours List 2004

#### 1963

(LLB) **The Hon. Mr. Justice Peter W Young, AO**, for service to law and the administration of justice, to legal scholarship and to the community through the Anglican Church of Australia.

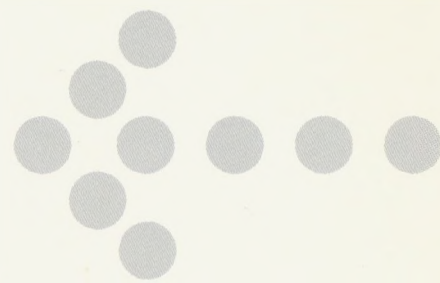
#### 1979

(BA, LLB) **Ms. Julianna Walton, AOM**, for service to local government through the City of Sydney Council, and to the community.





# The McWilliam Visiting Chair in Commercial Law



L to R: Professor Howard Hunter with The Hon. Justice R Austin (class of 1969)

THE LAW SCHOOL  
WELCOMED  
**PROFESSOR HOWARD  
(WOODY) HUNTER AS  
THE FIRST McWILLIAM  
VISITING CHAIR IN  
COMMERCIAL LAW.**

Commercial lawyers and other guests gathered on level 13 at Sydney Law School on March 30 to celebrate the establishment of the McWilliam Visiting Chair in Commercial Law and to thank the donor Mr. Bruce McWilliam (a graduate of 1979). Guests included Tom Hughes QC, The Hon. Justice Robert Austin, Lucy and Malcolm Turnbull and The Hon. Justice Allsop as well as former colleagues of Bruce McWilliam.

Professor and Dean Ron McCallum welcomed the guests and Associate Professor Barbara McDonald gave some background on Bruce McWilliam's successful career and long association with the Law School.

Bruce McWilliam reflected in his speech on his early days at the Law School and the continuing influence the Law School has had on his working career. He commented that he has had a twenty

five year relationship with figures such as Tom Hughes QC. The Hon. Justice Dyson Heydon and Malcolm Turnbull because of the connections he has made through the Law School.

The Law School is fortunate to have Professor Howard (Woody) Hunter as the first McWilliam Visiting Chair in Commercial Law. A former Dean of Emory Law School in the US, Professor Hunter is one of the foremost commercial contract academics in the US.

Whilst Professor Hunter has visited Sydney Law School on many occasions previously, The McWilliam Visiting Chair will enable us to have him visit and teach for an extended period.

Professor Hunter, who spent the earlier part of his career as a commercial lawyer, went on to discuss his view of legal education these days.



Mr. Bruce McWilliam



# Sydney student to represent Australian Youth at UN



Thao Nguyen

THAO NGUYEN, A FINAL YEAR SYDNEY LAW SCHOOL STUDENT, HAS THE GREAT HONOUR OF BEING APPOINTED THE 2004 AUSTRALIAN YOUTH REPRESENTATIVE TO THE UNITED NATIONS' GENERAL ASSEMBLY. THIS IS THE FIRST TIME THAT A NEW SOUTH WALES RESIDENT, AND A STUDENT OF THE UNIVERSITY OF SYDNEY, HAS BEEN SELECTED FOR THIS POSITION.

The Australian Youth Representative is expected to identify the key issues and concerns of young people across Australia and to develop and present Australia's statements on Young People's participation and social development to the United Nations' General Assembly.

In mid-September Thao will travel to New York to join the Australian Mission at the United Nations for two months. Prior to leaving, she will be engaged in extensive consultation with young people around Australia.

Thao has been responsible for fund-raising to cover the cost of her trip to the US and living expenses whilst in New York and Sydney Law School has been very pleased to assist Thao with sponsorship. Thao will be expected to undertake follow-up work upon her return to Australia.

She will deliver a presentation on her experiences, as well as her personal journey from refugee and student of the University of Sydney to National Delegate to the UN. Her commitment to social justice, her perspective and her visions were nurtured through these life experiences, including exposure to the dynamism and diversity of the University of Sydney community.

Thao is no stranger to receiving recognition. In 2003 she was the recipient of the Zoe Hall Scholarship.

She has also been extensively involved in cultural projects having deferred her final year to undertake a consultant position in script development for television, as well as writing a short play and founding and editing a writing project supported by the Australia Council for the Arts Literature Board.

## The Faculty Annual Prizegiving



William Edwards delivers the student address at the 2004 prizegiving ceremony

On 27 May Sydney Law School recognised the excellence of its students at its annual prizegiving ceremony in which about sixty prizes were awarded. The University Medal was this year awarded to two students: Mr. William Edwards, recipient of the RG Henderson Memorial Prize and deliverer of this year's Student Address entitled "Reflections on the Study of Law"; and Mr. Robert Yezerski. (Please see the Faculty website for a full list of prizewinners and further details.)

In his address William commented, *inter alia*, on two resources which he valued during his law studies – teaching staff and the excellent library.

It is clear that William is fascinated with the law.



## The Australian Centre for ENVIRONMENTAL LAW (ACEL SYDNEY)



L to R: Associate Professor Fredoun Ahmadi-Esfahani, Agricultural and Resource Economics, University of Sydney, Professor David Kemp, Faculty of Agriculture, University of Sydney, Rosemary Lyster, Director ACEL (Sydney)

The Australian Centre for Environmental Law (ACEL Sydney) in the Faculty of Law recently held a very successful conference on sustainable regulation of biotechnology. Over 100 delegates participated. The speakers and participants reflected the interdisciplinary nature of this important and controversial field of regulation.

The conference was part of the AC21 International Forum "Universities, Cities and Society in the 21st Century", hosted by the University of Sydney. AC21 is a consortium of 26 universities from 13 countries. In addition to the University's support, the ACEL conference was generously supported by PricewaterhouseCoopers Legal, which provided the conference venue and supporting facilities.

Paul Gilding, founder of Ecos Corporation and sustainability strategy consultant, opened the conference. The keynote speaker at the conference was Professor Alan Irwin, Pro Vice-Chancellor (Research and Enterprise) and Dean of Art and Social Sciences, Brunel University, London. Professor Irwin is an internationally renowned expert in science-public relations and environmental policy-making. His paper "Public Experts and Expert Publics: framing a new agenda for biotechnology" began by considering the new challenges to science and technology policy in the twenty-first century – especially the global pressures on innovation and the emergence of more critical and environmental concerns. He drew attention to recent calls for a new social partnership between science and society and raised questions about the form of such a partnership and the assumptions on which it should be based. How, for example, should we think of the relationship between 'citizens' and 'experts'?

Another overseas speaker was Professor Wang Xi, Associate Dean of Shanghai Jiaotong University's School of Law and Director of the University's Environmental and Resources Law Institute. Professor Wang is legal advisor on biosafety to the central government. Professor Wang's paper provided fascinating insights into China's active program of policy and law-making on biotechnology and China's response to the Cartagena Protocol on Biosafety. He also drew attention to emerging litigation in China involving multi-national corporations.

Three University of Sydney academics presented papers. Rosemary Lyster, ACEL Director, presented a paper on "Sustainable Regulation of Biotechnology: What is Needed and What is Achievable?" in which she traced the marked differences between regulation in the United States and the European Union. David Kemp, Professor of Farming Systems in the Centre for Rural Sustainability, discussed the place for biotechnology within agricultural systems, highlighting the main areas of debate and where there may be real or imaginary problems to solve. Associate Professor Fredoun Ahmadi-Esfahani, Discipline Leader, Agricultural and Resource Economics in the Faculty of Agriculture, Food and Natural Resources explored the question "Is Regulation of Agricultural Biotechnology Economically Justified?"

Ben Boer, Professor of Environmental Law at Sydney Law School, chaired a session on International Aspects of Biotechnology Regulation at which David Morgan, Visiting Fellow in the Department of Politics, University of Melbourne, examined a number of the key issues arising from the interaction of WTO rules and regulation of GMOs. Nicola Franklin, Deputy Director of ACEL, chaired a session on regulation of gene technology in Australia, at which there were speakers from the Office of the Gene Regulator (Michael Munro-Mobbs), from industry (Dr John Mason, Florigene Ltd) and from Greenpeace (Jeremy Tager).



## LAW SCHOOL EXPANDS COMMERCIAL, CORPORATE AND TAX EXPERTISE

The Parsons Centre of Commercial, Corporate and Taxation Law was launched in early September and will strengthen the Faculty's impact and reputation in the areas of commercial, corporate and taxation law. It will have several roles, including the coordination of postgraduate coursework and research grants across these three areas of law.

Professor Ross Parsons was regarded as Australia's foremost tax scholar until his death in 1999. The Chair of the Centre, Professor Richard Vann added, "He was effectively the person who established tax, corporate and commercial law as academic disciplines in Australia. He had such a long association with this University, first as a student and for many years as a professor, that it seems only appropriate to commemorate his life and work in this way. Each of the three areas has its strengths and we hope that by working closely together, they will each become stronger."

The Centre will be funded in part by donations and one such donation is the establishment of the Bruce McWilliam Chair for a visiting professor in the field of commercial law. This position has been fully funded for several years by leading lawyer and Sydney graduate Bruce McWilliam.

Professor Howard Hunter was the first appointment under the donation in the first semester of 2004 and on completion of his time in Sydney he has become the president of Singapore Management University. Previously Professor Hunter was provost of Emory University in Atlanta, Georgia and prior to that dean of the Emory Law School.

Further news on the launch will appear in the next issue.

# Julius Stone Centre for Jurisprudence – Annual Lecture

## Plea to decision-makers

Everyday decisions of legal professionals may be more important to global wealth and poverty than the big political and economic decisions made by parliaments and presidents, according to Professor David Kennedy of Harvard University, who delivered the 2004 Julius Stone Address organised by the University's Institute of Jurisprudence.

"The private sector is not just a force of nature, but made up of individual decisions," Professor Kennedy said. "When leaders make decisions that make some people rich and some people poor, they ought to be doing so with human ethical sense and responsibility."

Professor Kennedy would like to compel leaders and experts to seek the knowledge and opinions of others, to perhaps model their decision-making process on the logistics of a jury.

"How do we make people become disenchanted with their own decisions, understand themselves as responsible to a broader constituency and how do we open [decision making] to the democratically engaged?" he asked.

Such an approach would spread responsibility for decisions and their consequences to all people involved, as opposed to just one, Professor Kennedy said. Though these ideas require institutional changes, he called citizens and those in powerful positions to change the local political system first.

Established in 1999 in the Faculty of Law, the Julius Stone Institute of Jurisprudence aims to stimulate public interest in discussions about legal theory. Associate Professor Helen Irving, director of the Institute and organiser of the address since 2002, has scheduled speakers to discuss topics of international significance in judicial decision making and present a theoretical model for understanding.

"One of the purposes of the Julius Stone Institute is to bring discussion of legal theory to a wider audience to show that it is not just discussion for specialists of jurisprudence or legal theorists," she said. "Jurisprudence is something that concerns both the law generally and the public as well."

David Kennedy, Manly O. Hudson Professor of Law at Harvard Law School and Director of the European Law Research Centre, teaches international law, international economic policy, European law, legal theory, and law and development. He is the author of numerous works on international law and legal theory, and founder of the New Approaches to International Law Project.

*'Republished courtesy of the Uni News'*





## Sydney Centre FOR INTERNATIONAL AND GLOBAL LAW

### "Why Have a World Trade Organisation? Focussing on the Welfare Effects of the Law of the WTO."

The Centre has been highly active since its establishment in 2003 (see October issue of Sydney Law School Reports). Highlights of the Centre's recent and impending activities include:

"Why Have a World Trade Organisation? Focussing on the Welfare Effects of the Law of the WTO."

This symposium was jointly hosted with the Institute for International Business, Economics and the Law (IIBE&L) in February 2004 and focused on the welfare effects of World Trade Organization law. Participants attended from around Australia, Hong Kong and New Zealand. Papers from the Symposium, including the contribution by Centre Associate Dr Brett Williams, are now available on the IIBE&L web page (<http://www.iibel.adelaide.edu.au/>).

#### International Law Seminar Series

In May and June 2004 the Centre hosted a series of three Continuing Legal Education (CLE) seminars. The first CLE seminar, held on 12 May, assessed legal issues arising out of the Australia/US Free Trade Agreement. Two subsequent seminars, held on 24 May and 7 June respectively, considered recent developments

in Maritime Law and International Security and the Trials of David Hicks and Saddam Hussein.

#### Australian Foreign Policy and International Law

In the lead-up to the Federal election, the Centre is convening a series of public fora at which representatives from the major political parties are given an opportunity to present their vision as to the interplay between Australian foreign policy and international law. The Hon. Alexander Downer, Minister for Foreign Affairs, addressed the first forum held on Friday 13 August 2004. Senator Kerry Nettle, Australian Greens Senator for New South Wales, addressed the second forum held on Wednesday 25 August 2004. The Centre hopes to confirm two subsequent fora involving representatives from the Australian Labor Party and the Australian Democrats.

Up to date information concerning the Centre's activities is posted on the Centre's web page: <http://www.law.usyd.edu.au/scigl>. The Centre's Executive Officer, Mr Tim Stephens, can be reached at [tims@law.usyd.edu.au](mailto:tims@law.usyd.edu.au).

centre news

The Institute of Criminology has recently published 2 books in its series. *Bin Laden in the suburbs: criminalising the Arab Other* by Scott Poynting, Greg Noble, Paul Tabar and Jock Collins was published in July. The book looks at public worrying over 'ethnic crime' and what it tells us about Australia today.

*Global Issues, Women and Justice* was published in August 2004. The book is edited by Sharon Pickering and Caroline Lambert, and explores the ways women seek justice through the nation-state, global process and international criminal justice mechanisms.

Recent events held by the Institute include 'Policing Issues and Firearms', held on

1 April and a Memorial Gathering for Gordon Hawkins held on 19 March.

The next seminar in the Institute's series was held on Monday 9 August entitled 'The Efficacy of Sex Offender Treatment Programs'. Professors Bill Marshall and David Greenberg spoke at this seminar.

For further information about the Institute and its activities please visit our website, or contact us directly.

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## The Institute of Criminology



# STAFF NOTES



Professor Patrick Parkinson

## Professor Patrick Parkinson – Family Law Overhaul

Recommendations made by Professor Patrick Parkinson of Sydney Law School for the establishment of Family Relationship Centres across the country will impact on the restructuring of Australia's family law system.

Six years ago Professor Parkinson, who specializes in family law and is deeply involved in community work concerning child protection, chaired a major review of state law which led to the enactment of the Children and Young Persons (Care and Protection) Act 1998. He has recently been appointed as the Chairperson of the Family Law Council and as Chair of a Taskforce to review the Child Support Scheme.

Prof. Parkinson's proposals for Family Relationship Centres were made to the Prime Minister following debate within the Government about how to respond to the recommendations of a major Parliamentary Inquiry on family law. The House of Representatives Standing Committee on Family and Community Affairs inquired into child custody arrangements in the event of family separation. The committee's final report, *Every Picture Tells a Story*, was tabled in Parliament in December 2003 after 1700 submissions had been taken from the community.

The report focuses on measures to reduce conflict between separating parents and to give fathers greater involvement with

their children. Professor Parkinson and Associate Professor Judy Cashmore from the University's Faculty of Law both gave evidence to the inquiry in October 2003. One of the Committee's recommendations was for the establishment of a Families Tribunal. The Prime Minister's office sought Prof. Parkinson's advice in April 2004 after Cabinet had been unable to agree on that proposal.

Professor Parkinson's recommendations offer an alternative way of achieving the objectives that the standing committee sought to achieve. The aim of the reforms is to short-circuit child custody battles ending up in the Family Court. The recommendations appear to have the support of politicians, family and parenting groups.

A national network of 65 shopfront-style Family Relationship Centres presents the dominant feature of this reform package. The creation of these centres will present separating couples with the opportunity of resolving child custody disputes without going to court and will help parents develop a post-separation parenting plan. Other aspects of the package include measures to make the family law system fairer and more user-friendly. Professional counselors and mediators will be able to give initial advice on child support and provide referrals to other agencies.

Prime Minister John Howard said the network would underpin a fresh approach to the family law system, putting the emphasis on reaching agreement at a much earlier stage in the separation process.

In a recent interview with Uni News Professor Parkinson said: "The new Family Relationship Centres represent a major new investment in the health of family relationships in this nation.

In the long-term, I believe they will assist more fathers to remain involved in their children's lives after separation and divorce, and do much to stem the tide of litigation about children. That must be good for everyone."

The government will be releasing a discussion paper and will seek input from the community on the implementation of the proposed reforms.

**Professor Emeritus Ivan Shearer**, who recently retired as Challis Professor of International Law with the Faculty, is shortly to take up a position as a part-time member of the Administrative Appeals Tribunal.

**Professor Don Rothwell** has been appointed the new Challis Professor of International Law.

Upon his retirement as a justice of the Family Court of Australia, **The Hon. Justice Richard Chisholm**, alumnus LLB 1968, will take up the title of Honorary Professor in our Faculty. He will be undertaking, inter alia, research in the area of family law.





# PUBLICATIONS

- \* **Belinda Bennett (ed)**, *Abortion* (International Library of Medicine, Ethics and Law), Ashgate Press, UK (2004).

Abortion remains one of the most complex and controversial issues in contemporary law and bioethics. This volume draws together key essays from leading scholars on the ethical and regulatory aspects of abortion. The essays explore the complex issues of personhood, prenatal life and reproductive rights, international perspectives on the regulation of abortion, health professionals and the provision of abortion services, and prenatal diagnosis and abortion.

- \* **Stephen Odgers, Elisabeth Peden & Miiko Kumar**, *A Companion to Uniform Evidence Law*, LawBook Co, Sydney (2004).

This innovative book provides an invaluable resource to students and practitioners of the law of evidence. Working as a companion to Odgers', *Uniform Evidence Law*, the book uses sample case files, explaining and analyzing legal principles in a practical way. The book provides essential key case extracts to illustrate important points, and questions, answers and tables to test the understanding of the reader.

- \* **Don Rothwell & Alex Oude Elferink**, *Oceans Management in the 21st Century: Institutional Frameworks and Responses*, Martinus Nijhoff (2004).

The 1982 United Nations Convention on the Law of the Sea created a new framework for the conduct of maritime affairs. The Convention remains a shining example of international cooperation, diplomacy and the role of international law in the regulation of international affairs and oceans management.

The institutions established under the Convention, which entered into force in 1994, are now all operating and the way they are fulfilling their tasks under the Convention is taking shape.

Chapters throughout this book assess the roles and impact upon oceans management of the International Tribunal for the Law of the Sea, the International Sea-Bed Authority, the Commission on the Limits of the Continental Shelf, and the Convention's Meeting of States Parties.

- \* **Julie Stubbs**, *Restorative Justice, Domestic Violence and Family Violence* (Issues Paper No. 9), Australian Domestic & Family Violence Clearinghouse, UNSW (2004).

There has been considerable growth in the adoption of restorative justice practices in Australia and internationally. This paper describes and evaluates claims made about restorative justice, or victim-offender mediation, including the claimed benefits for victims, offenders and communities; general concerns about restorative justice practices; and an overview of evaluations. Restorative justice is then considered for use with domestic or family violence cases and other gendered harms such as sexual assault, including a review of models currently being used around the world. Indigenous communities and the use of restorative justice and alternative justice practices in cases of family violence are also discussed. The author concludes that while there are risks and challenges in using restorative justice practices with domestic or family violence and gendered harms, an approach which integrates some elements of the restorative justice model with the criminal justice system may be the way forward.

# RESEARCH GRANTS

## ARC Discovery

In 2003, the Sydney Law School surpassed previous years' research performance and won five Discovery grants from seven submissions. The momentum has continued into 2004 with the following five Discovery applications submitted:

Professor Hilary Astor, *Resolving Disputes in Australian Universities*;

Jenni Millbank and Catherine Dauvergne, *A Comparative International Analysis of Refugee Decisions on the basis of Particular Social Group*;

Dr Fiona Burns, *The Historical Origins, Evolution of and Potential Future Directions for the Equitable Lien*;

Professor Patricia Apps, Alison Booth (ANU) and Ray Rees (Munich), *Modelling the labour market and the impact of the tax-benefit system on employment and GDP*; and, Professor Jennifer Hill, *The*

*Subversion of Performance-Based Pay in the Era of Corporate Collapse*.

In addition, 2003 graduate, Dr Ana Vrdoljak, submitted a Discovery Australian Postdoctoral Fellowship application, *Illicit trade in cultural heritage: Human Rights and International Trade*.

## External Grants received

**Patrick Parkinson, Judy Cashmore, Ruth Weston and Bruce Smyth (AIFS)**, *Understanding Contact Disputes*, Attorney-General's Department

This study will examine contact disputes in the general population of separated parents whether or not they have had any contact with the family law system. Amongst other factors examined will be the factors that are most responsible for facilitating the resolution of disputes and the role, if any, which lawyers and other

family law professionals play in dispute resolution.

The project is a collaborative one between the Australian Institute of Family Studies (AIFS) and the University of Sydney, Faculty of Law.

**Barbara McDonald and Patrick Parkinson**, *Court-directed Expert Witness Conferences in Medical Negligence Cases*, NSW Law & Justice Foundation

This project will assess the practice of conferences between expert witnesses, conducted pursuant to directions of the Supreme Court of NSW, under new provision of the Supreme Court Rules 1970.

In broad terms, the aim of the project is to ensure that access to justice for the victims of medical negligence is properly and fairly achieved or improved by Court-directed expert witness conferences.



# Faculty Visitors



## Visit by High Profile Chinese Academic and Legislator

The Faculty of Law was recently honoured by the visit of Professor Xin Chunying, Professor of Law, legislator and member of the Standing Committee of China's National People's Congress (NPC). Professor Xin has played an important role in China's legal development. She was among the first group of scholars to attempt to establish the rule of law in China.

Before election to the NPC, Professor Xin was a leading researcher in the Chinese Academy of Social Science, specialising in jurisprudence and constitutional law. In her many publications, she has addressed issues of human rights and women's rights.

Currently Professor Xin serves on the NPC law committee and is one of the seven members of the NPC constitutional amendment office. Following amendment to the Constitution this year, the NPC published a selection of essays with commentary on the amendments. Professor Xin wrote on the inclusion in the Constitution of the guarantee that the Government will protect and respect human rights.

Professor Xin held discussions with the Dean, Professor Ron McCallum, Professor Don Rothwell, Dr Mary Crock and Nicola Franklin.

Professor Carol Smart of the University of Leeds visited the Faculty at the end of April. Carol's work, particularly in feminist theory and family law is well known and her recent work, interviewing parents and children about their experiences of parenting after separation, has been highly influential in promoting a better understanding of the transitions involved, for all family members, in separation and divorce.

The Dean of the Faculty of Law, University of Heidelberg (Germany), Prof Dr Müller-Graff visited in March as a guest of the Faculty of Law and the Australian-German Lawyers Association.

He has been a professor of the University of Heidelberg since 1994 and Dean of the Law Faculty since 1999. Professor Müller-Graff is a managing member of the German Association for European Law, the Vice-Chair of the Academic Directorate of the Institute for European Politics and a member of the International Federation for European Law (General-Secretary 1994-97).

Professor Judith Resnik gave a seminar in June entitled "Representing Justice".

A rich visual tradition relies on the historical image of "Justice" – a woman with scale and sword – to mark places of judgment. That image, dating from the 16th century, remains common from courthouses to cartoons even as the demands for judging and the modes of judging have changed significantly. This lecture – based on a forthcoming book by Judith Resnik and Dennis Curtis – provided a rapid survey of four centuries of justice iconography and of the changing configurations of courthouses. Professor Resnik then turned to challenges posed in the twenty-first century to these traditions, as trials "vanish" from courthouses in the United States, alternative dispute resolution is trumpeted for its utility, and many seeking justice have no access.

Judith Resnik is the Arthur Liman Professor of Law at Yale University. She joined Yale in 1997 when she founded the Public Interest Program. She teaches and writes on procedure, federalism and women's rights, domestically and transnationally. Her new book *Adjudication and its Alternatives* (with Owen Fiss) was published in 2003 by Foundation Press.

Professor Deborah DeMott, who is the David F. Cavers Professor of Law at Duke University, visited the Faculty throughout June. She taught a course on "Commercial Issues in Equity" under the International Visiting Faculty in Corporate, Securities and Finance Law Program.

Professor Harry Glasbeek from York University (Canada) visited in May. Prof. Glasbeek has written books on Australian and Canadian Labour Law; Australian and Canadian Evidence Law. His latest books include Editor of a special 2 volume issue of Osgoode Hall Law Journal on Civil Disobedience, Civil Liberties, Civil Resistance, (2003) and *Wealth by Stealth: Corporate Law, Corporate Crime and the Perversion of Democracy*, plus 100 articles, papers, reports, etc. on labour law, occupational health and safety, corporate deviance and responsibility, bills of rights, tort law, judicial methodology, evidence law, and legal education.

Dr Richard Jones a Lecturer in Criminology at the School of Law, University of Edinburgh, Scotland was a visiting academic with the Faculty for six months. Before taking up his lectureship at Edinburgh University, Richard was a Research Associate at the Institute of Criminology at the University of Cambridge where he also obtained his PhD.



## stay in touch

This is a newsletter for you. To stay in touch and be a part of the community of Sydney Law School please provide us with input. Your feedback is valuable and all contributions are welcome whether an update on yourself, photos from your Law School days, opinions, reunions or a request to get in touch with a former student, contact:

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**Faculty of Law**



**The University of Sydney**

### World's best speaker

Sydney University Economics Law student Alex Croft has won the title of World's Best Speaker at the World Universities Debating Championships in Singapore in January 2004.

Over 100 universities competed, with more than 300 teams, six of which represented the University of Sydney Union.

Alex's debating partner for the Sydney A team, Commerce Law student Ani Satchithananda, was ranked 5th best speaker. They successfully argued their way through to the grand finals, winning equal second place in the competition.

Alex is the third University of Sydney student to win the title in recent years, following Paul Hunyor in 2001 and Adam Spencer in 1996.

He was also part of the Sydney University team to win the Australasian championships in Malaysia in July 2003, along with Ani and Arts student Hamish White.

1855 - 2005



2005 will mark the Sesquicentenary of our law school and special events are planned throughout next year to celebrate our 150 years of existence. Announcements of activities and dates to look out for will be posted on our faculty website.



Bevan Mitchell (centre of photo) (BA 1947, LLB 1950) sent this photo from the Law Ball in 1947 or 1948 held at The Trocadero, George St, Sydney.

### Archival Material and past Blackacres

We are currently updating our Law School archives and are seeking any relevant, historic material, whether pictorial or written. We are particularly keen to replenish our Blackacres collection. If you have a Blackacre from your year that you would be kind enough to donate to our collection this will be put to good use in our central reference library for all graduates.

### MERCHANDISE

We have a range of merchandise on offer including polo shirts, rugby shirts, ties, scarves and more for purchase. Look on our website for more information and to order, or buy in person from level 12 of the Law School.

Faculty website address: <http://www.law.usyd.edu.au>